

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THOMAS FRANCIS YOUNG and
CONNIE ANGELINA YOUNG,

Appellants,

v.

Civ. No. 23-17 WJ/KRS

DANIEL A. WHITE, Chapter 7 Trustee,
DEUTSCHE BANK TRUST COMPANY AMERICAS,
ALES NETTEY, and BK ENTERPRISES,

Appellees.

ORDER TO TRANSMIT DOCUMENTS TO BANKRUPTCY COURT

THIS MATTER is before the Court *sua sponte* upon review of Document 5, titled “Statement of Issues to be Presented” and “Designation of Items to be Included in the Record on Appeal,” filed by Appellants Thomas Young and Connie Young on March 22, 2023. On March 8, 2023, the Court entered an Order to Show Cause requiring Appellants to file a designation of items and statement of issues as required by Fed. R. Bankr. P. 8009. (Doc. 4). While Rule 8009 requires these documents to be filed with the bankruptcy clerk, Appellants instead filed them with this Court. *See id.* (quoting Fed. R. Bankr. P. 8009(a)(1)(A)-(B), “The appellant must file *with the bankruptcy clerk* and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented.” (emphasis added)). Accordingly, the Court directs the Clerk’s Office to transmit Document 5 to the Clerk of the Bankruptcy Court so the Bankruptcy Clerk can review Appellants’ filing and determine whether the Bankruptcy Clerk is able to transmit the record on appeal.



KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE